

REMARKS

Claims 10, 12-14, 16-19, 21-36, 38, 40, 41, 43, 44, 46, 47, 49-62, 64-69, 71-76, 78-92, 101, 102, 104, 107-109, 111, 112, and 117-136 were in this case. This amendment adds new claims 138-142. Claims 130-132 and 134 have been canceled because they improperly depended from multiply dependent claims. Claims 12, 16, 18, 19, 21, 25, 27, 32, 41, 46, 47, 49, 50, 53, 55, 56, 57, 60, 64, 65, 71, 72, 78, 79, 85, 101, 102, 104, 107-109, 117-129, 133, 135, and 136 have been amended as detailed below. Claims 10, 12-14, 16-19, 21-36, 38, 40, 41, 43, 44, 46, 47, 49-62, 64-69, 71-76, 78-92, 101, 102, 104, 107-109, 111, 112, 117-129, 133, 135-142 are now in this case.

Claims 10, 16-19, 22-28, 30-41, 43, 44, 46, 47, 49-62, 64-69, 71-76, 78-92, 111 and 112 are allowed.

Claim 12 was rejected and claims 13 and 14 were objected to as dependent upon a rejected claim.

The disposition of claims 21, 29, 101, 102, 104, 107-109, and 117-136 was not listed in the Office Action mailed November 26, 2004.

The undersigned thanks Examiner Epps-Ford for the courtesy of a telephone interview on February 16, 2005 to discuss the claims remaining in this case. During that interview, the Examiner indicated that amendment of claim 12 to replace "8 to about 24 carbon atoms" with "8 to 24 carbon atoms" would place claim 12 in condition for allowance. The subject matter of the new claims was also discussed and this amendment is consistent with that discussion.

Amendments to the Claims

New claims 138-142 have been added. Claim 138 is supported in the specification at page 17 in formula A1 and in the definitions of L on page 15, line 19, Q (as N) on page 17, line 15 and R₁, R₃, R₄, and R₅ as defined on page 17,

lines 12-17 with the additional recitations that the alkyl, alkenyl, and alkynyl groups have 8-24 carbon atoms (as supported on page 50, line 26, and page 51, lines 4 and 12). The variables r, s, u, and y are defined as being 1 which is consistent with the positive charge shown in the formula (where Q is N). Definitions of other variables are supported in the specification and in the original claims. Claims 139-142 depend from claim 138 and are supported as noted above and in the original claims.

Claim 12 has been amended to recite that in the compound "at least two of R₁, R₃, R₄, and R₆, are straight-chain, branched, or cyclic alkyl, alkynyl, or alkenyl groups having from 8 to 24 carbon atoms attached to each N."

Claims 16, 41, 49, 64, 71, 78 and 85 have been amended to recite that the variables m and n are equal to 1 for improved consistency with the positive charge in the formula of the claim.

Claim 21 has been amended to recite that in the compound "at least one of R₁ and R₄ is a straight-chain, branched, or cyclic alkyl, alkenyl, or alkynyl having from 8 to 24 carbon atoms. This claim has also been amended to recite that the variable m and n are 1 for improved consistency with the formula of the claim and to remove a phrase that is unnecessary in the claim as amended.

Claim 32 has been amended to recite that "R₁ and R₄ is a straight-chain, branched, or cyclic alkenyl, or alkynyl group having 8 to 24 carbon atoms."

Claim 46 was amended to recite that the variables m and n are 1 for improved consistency with the formula of the claim and to remove a phrase that is unnecessary in the claim as amended.

Claim 55 was amended to recite that the variables m, n, r and u are 1 for improved consistency with the formula of the claim.

Claims 18, 19, 25, 27, 47, 50, 65 and 72 have been made independent for consistency with the amendments of claims 16, 21, 46, 49 64 and 71. . . . amendments of claims 16

Claims 56 has been amended to depend from claim 55. This amendment does not change the scope of this claim and was made to reduce the number of independent claims in the case.

Multiply dependent claims 101, 102, 104, 107, 108, 109, and 117-130 have been amended such that they each recite dependence from any one of claims 12, 16, 21, 29, 32, 33, 35, 38, 41, 46, 49, 55, 64, 71, 78, 85 or 138. This amendment was made in part for consistency with other amendments and in part to reduce additional claims fees.

Claims 130-134 improperly depended from a multiply dependent claim. Claim 133 was rewritten as a multiply dependent claim incorporating the language of claim 128 from which it depended. Claims 130-132 and 134 were canceled without prejudice or disclaimer to avoid a significant increase in the number of claims and excess claims fees.

Claim 135 was amended to recite "8 to 24 carbon atoms."

Claim 136 was amended to correct a clerical error by removing an extraneous "from."

None of the amendments to the claims represents the addition of new matter.

The Rejection

Claims 12 was rejected under 35 U.S.C. 112, 2nd paragraph, because it was alleged that the phrase "8 to about 24 carbon atoms" was not supported in the specification. Claim 12 has been amended to recite "8-24 carbon atoms"


which is supported in the specification at page 50, line 26, and page 51, lines 4 and 12. This amendment obviates the rejection of claim 12. Claim 12 should be considered allowable over this rejection and the objection to claims 113 and 114 should be withdrawn.

No rejection was made of claims 21, 29, 101, 102, 104, 107-109, or 117-136.

Conclusion

This amendment is believed to place all of the claims in condition for allowance and passage to issuance is respectfully requested. This amendment cancels several multiply dependent claims, makes one claim (claim 133) multiply dependent, and adds nine independent claim and three dependent claims. It is believed excess claims fees are due for additional independent claims. Please deduct any required excess claims fees that may be due from deposit account 07-1969. It is believed that no Petition for Extension of Time is needed to make this submission timely filed. If this is incorrect please deduct the required petition fees from deposit account 07/1969.

Respectfully submitted,


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